

Bill No. CS/HB 1855, 1st Eng.

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Thomas moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause,

and insert:

Section 1. Subsection (1) of section 501.913, Florida Statutes, is amended to read:

501.913 Registration.--

(1) Each brand of antifreeze to be distributed in this state shall be registered with the department prior to distribution. The person whose name appears on the label, the manufacturer, or the packager shall make application to the department on forms provided by the department no later than July 1 of each year. The registrant assumes, by application to register the brand, full responsibility for the quality and quantity of the product sold, offered, or exposed for sale in this state.

Section 2. Subsection (1) of section 501.916, Florida Statutes, is amended to read:

501.916 Mislabeling of antifreeze.--Antifreeze shall

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1 be deemed to be mislabeled:

2 (1) If it does not bear a label that ~~which~~ specifies:

3 (a) ~~The brand of the product.~~

4 (b)~~(a)~~ The identity of the product.

5 (c)~~(b)~~ The name and address of the manufacturer,
6 packager, ~~or~~ distributor, or registrant.

7 (d)~~(c)~~ The net quantity of contents (in terms of
8 liquid measure) separately and accurately in a uniform
9 location upon the principal display panel.

10 (e)~~(d)~~ A statement warning of any hazard of
11 substantial injury to human beings which may result from the
12 intended use or reasonably foreseeable misuse of the
13 antifreeze.

14 (f)~~(e)~~ The primary chemical component functioning as
15 the antifreeze agent.

16 (g)~~(f)~~ The appropriate amount, percentage, proportion,
17 or concentration of the antifreeze to be used to provide
18 claimed protection from freezing at a specified degree or
19 degrees of temperature, claimed protection from corrosion, or
20 claimed increase of boiling point or protection from
21 overheating.

22 Section 3. Subsection (3) of section 501.919, Florida
23 Statutes, is amended to read:

24 501.919 Enforcement; stop-sale order.--

25 (3) Nothing in this act shall be construed to require
26 the department to report for prosecution or for institution of
27 libel proceedings any minor violations of the act whenever it
28 believes that the public interest will be best served by a
29 suitable notice of warning in writing to the violator
30 ~~registrant or the person whose name and address appears on the~~
31 ~~label.~~

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1 Section 4. Section 501.922, Florida Statutes, is
2 amended to read:

3 501.922 Violation.--

4 (1) The department may enter an order imposing one or
5 more of the following penalties against any person who
6 violates ss. 501.91-501.923 or who impedes, obstructs, or
7 hinders the department in performing its duties under those
8 sections:

9 (a) Imposition of an administrative fine of not more
10 than \$1,000 per violation for a first-time offender. For a
11 second-time or repeat offender, or any person who willfully
12 and intentionally violates ss. 501.91-501.923, the
13 administrative fine may not exceed \$5,000 per violation.

14 (b) Revocation or suspension of any registration
15 issued by the department. Any period of suspension may not
16 exceed 1 year.

17 (2) If a registrant in violation of ss. 501.91-501.923
18 fails to pay a fine within 30 days after imposition of the
19 fine, the department may suspend all registrations issued to
20 the registrant by the department until the fine is paid.~~The~~
21 ~~registration with the department of any person who violates~~
22 ~~this act or fails to comply with any of the provisions of this~~
23 ~~act may be subject to suspension or revocation. Any~~
24 ~~suspension shall not exceed 1 year. In addition to any~~
25 ~~suspension or revocation, for each violation, the department~~
26 ~~may levy a fine which shall not exceed \$5,000 per violation.~~
27 ~~If the person in violation of ss. 501.91-501.923 fails to pay~~
28 ~~the fine within 30 days, then his or her registration may be~~
29 ~~suspended until such time as the fine is paid.~~

30 (3) All fines collected by the department shall be
31 deposited in the General Inspection Trust Fund.

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1 Section 5. Section 531.54, Florida Statutes, is
2 repealed.

3 Section 6. Section 570.191, Florida Statutes, 1998
4 Supplement, is amended to read:

5 570.191 Agricultural Emergency Eradication Trust
6 Fund.--There is created in the office of the commissioner the
7 Agricultural Emergency Eradication Trust Fund. Funds in the
8 trust fund may be made available upon certification by the
9 commissioner that an agricultural emergency exists and that
10 funds specifically appropriated for the emergency's purpose
11 are exhausted or insufficient to eliminate the agricultural
12 emergency. The term "agricultural emergency" means an animal
13 or plant disease, insect infestation, or plant or pest
14 endangering or threatening the horticultural, aquacultural, or
15 other and agricultural interests in this state.

16 Section 7. Subsection (5) of section 570.46, Florida
17 Statutes, as amended by section 3 of chapter 98-133, Laws of
18 Florida, is repealed.

19 Section 8. Subsection (7) is added to section 570.48,
20 Florida Statutes, to read:

21 570.48 Division of Fruit and Vegetables; powers and
22 duties; records.--The duties of the Division of Fruit and
23 Vegetables include, but are not limited to:

24 (7) Notwithstanding any other provision of law,
25 appointing, certifying, licensing, and supervising inspectors
26 whose duties are to inspect fruit and vegetables that are
27 regulated by state law, if federal law does not require such
28 inspectors to be licensed or certified by the federal
29 government.

30 Section 9. Subsections (5) and (6) of section 570.952,
31 Florida Statutes, 1998 Supplement, are amended to read:

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1 570.952 Florida Agriculture Center and Horse Park
2 Authority.--

3 ~~(5) A majority of the members shall constitute a~~
4 ~~quorum, and action by a majority of a quorum shall be~~
5 ~~official.~~

6 (5)(6) Beginning January 1, 1995, The commissioner
7 shall submit information annually to the Speaker of the House
8 of Representatives and the President of the Senate reporting
9 the activities of the Florida Agriculture Center and Horse
10 Park Authority and the progress of the Florida Agriculture
11 Center and Horse Park, including, but not limited to,
12 pertinent planning, budgeting, and operational information
13 concerning the authority.

14 Section 10. Section 571.24, Florida Statutes, 1998
15 Supplement, is amended to read:

16 571.24 Purpose; duties of the department
17 ~~division~~--The purpose of this part is to authorize the
18 department ~~division~~ to establish and coordinate the Florida
19 Agricultural Promotional Campaign. The duties of the
20 department ~~division~~ shall include, but are not limited to:

21 (1) Developing logos ~~a logo~~ and authorizing the use of
22 logos as provided by rule ~~that logo~~.

23 (2) Registering participants.

24 (3) Assessing and collecting fees.

25 (4) Working closely with the Department of Commerce to
26 explore the feasibility of combining marketing strategies.

27 (5) Developing in-kind advertising programs.

28 (6) Contracting with media representatives for the
29 purpose of dispersing promotional materials.

30 (7) Assisting the representative of the department who
31 serves on the Florida Agricultural Promotional Campaign

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1 Advisory Council.

2 (8) Designating a division employee to be a member of
3 the Advertising Interagency Coordinating Council.

4 (9) Adopting rules pursuant to ss. 120.536(1) and
5 120.54 to implement the provisions of this part.

6 (10) Enforcing and administering the provisions of
7 this part, including measures ensuring that only Florida
8 agricultural or agricultural based products are marketed under
9 the "Fresh From Florida" or "From Florida" logos or other
10 logos of the Florida Agricultural Promotional Campaign.

11 Section 11. Section 571.27, Florida Statutes, is
12 amended to read:

13 571.27 Rules.--The department is authorized to adopt
14 promulgate rules that implement, make specific, and interpret
15 the provisions of this part, including rules for entering into
16 contracts with advertising agencies for services which are
17 directly related to the Florida Agricultural Promotional
18 Campaign. Such rules shall establish the procedures for
19 negotiating costs with the offerors of such advertising
20 services who have been determined by the ~~department~~ division
21 to be qualified on the basis of technical merit, creative
22 ability, and professional competency. Such determination of
23 qualifications shall also include consideration of the
24 provisions in s. 287.055(3), (4), and (5). The department is
25 further authorized to determine, by rule, the logos or product
26 identifiers to be depicted for use in advertising,
27 publicizing, and promoting the sale of Florida agricultural
28 products or agricultural-based products in the Florida
29 Agricultural Promotional Campaign. The department may also
30 adopt rules not inconsistent with the provisions of this part
31 as in its judgment may be necessary for participant

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1 registration, renewal of registration, classes of membership,
2 application forms, as well as other forms and enforcement
3 measures ensuring compliance with this part.

4 Section 12. Section 571.29, Florida Statutes, is
5 amended to read:

6 571.29 Unlawful acts; administrative remedies;
7 criminal penalties.--

8 (1) It is unlawful for any person to use, reproduce,
9 or distribute the "Fresh From Florida" or "From Florida" logos
10 or other logos ~~logo~~ of the Florida Agricultural Promotional
11 Campaign without being registered with the department, or to
12 otherwise violate the provisions of this part or any rules
13 adopted under this part.

14 (2) It is unlawful for any person to use, reproduce,
15 or distribute the "Fresh From Florida" or "From Florida" logos
16 or other logos of the Florida Agricultural Promotional
17 Campaign on any agricultural or agricultural-based products
18 that are not Florida products.

19 (3) The department may enter an order imposing one or
20 more of the following penalties against any person who
21 violates any of the provisions of this part or any rules
22 adopted under this part:

23 (a) Issuance of a warning letter.

24 (b) Imposition of an administrative fine of not more
25 than \$1,000 per violation for a first time offender. For a
26 second time offender, or any person who is shown to have
27 willfully and intentionally violated any provision of this
28 part or any rules adopted under this part, the administrative
29 fine may not exceed \$5,000 per violation. The term "per
30 violation" means each incident in which a logo of the Florida
31 Agricultural Promotional Campaign has been used, reproduced,

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1 or distributed in any manner inconsistent with the provisions
2 of this part or the rules adopted under this part.

3 (c) Revocation or suspension of any registration
4 issued by the department.

5
6 The administrative proceedings that could result in the entry
7 of an order imposing any of the penalties specified in
8 paragraphs (a)-(c) shall be conducted in accordance with
9 chapter 120.

10 ~~(1) Any person who violates any of the provisions of~~
11 ~~this part or any rule promulgated under this part is subject~~
12 ~~to the imposition of an administrative fine of up to \$1,000~~
13 ~~for each offense. Upon repeated violation, the department may~~
14 ~~seek enforcement pursuant to s. 120.69.~~

15 ~~(4)(2)~~ Any person who commits ~~is convicted of~~ a
16 violation of the provisions of this part or rules adopted
17 under this part is, for the first offense, guilty of a
18 misdemeanor of the second degree, punishable as provided in s.
19 775.082 or s. 775.083, and is, for each succeeding offense,
20 guilty of a misdemeanor of the first degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 Section 13. Section 571.30, Florida Statutes, is
23 created to read:

24 571.30 Injunction.--In addition to the remedies
25 provided in this part and notwithstanding the existence of
26 any adequate remedy at law, the department is authorized to
27 make application for injunction to a circuit judge, and such
28 circuit judge shall have jurisdiction upon a hearing for cause
29 shown to grant a temporary or permanent injunction, or both,
30 restraining any person from violating or continuing to violate
31 any provisions of this part or from failing or refusing to

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1 comply with the requirements of this part or any rule adopted
 2 hereunder, such injunction to be issued without bond.

3 Section 14. Subsection (1) of section 588.011, Florida
 4 Statutes, is amended to read:

5 588.011 Legal fence; requirements.--

6 (1) Any fence or enclosure at least 3 feet in height
 7 made of barbed or other soft wire consisting of not less than
 8 three strands of wire stretched securely on posts, trees, or
 9 other supports, standing not more than 20 feet apart; or when
 10 using battens, up to 60 feet apart for nonelectric and 150
 11 feet apart for electric, if constructed with high tensile wire
 12 in accordance with the manufacturer's specifications, shall be
 13 considered as a legal fence.

14 Section 15. Section 589.081, Florida Statutes, is
 15 amended to read:

16 589.081 Withlacoochee State Forest and Goethe State
 17 Forest; payment to counties of portion of gross receipts.--The
 18 Division of Forestry shall pay 15 percent of the gross
 19 receipts from Withlacoochee State Forest and the Goethe State
 20 Forest to each county in which a portion of the respective
 21 forest is located ~~Hernando, Citrus, Sumter, Levy, and Pasco~~
 22 ~~Counties~~ in proportion to the forest acreage located in each
 23 county. The funds must be equally divided between the board
 24 of county commissioners and the school board of each county.

25 Section 16. Section 593.1141, Florida Statutes, is
 26 amended to read:

27 593.1141 Authority to enter agreements with the Farm
 28 Service Agency ~~Agricultural Stabilization and Conservation~~
 29 ~~Service~~.--The department is authorized to enter into
 30 agreements with the Farm Service Agency, "FSA," ~~Agricultural~~
 31 ~~Stabilization and Conservation Service, "ASCS,"~~ for the

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1 purpose of allowing a cotton grower to tender payment of
2 assessments, including penalties, to the FSA ASCS.

3 Section 17. Section 616.05, Florida Statutes, is
4 amended to read:

5 616.05 Amendment of charter.--Any fair association
6 desiring to propose an amendment of its charter may do so by
7 resolution as provided in its bylaws. The proposed amendment
8 shall be submitted to the department for approval. When
9 approved, the proposed amendment, upon publication of notice
10 in the same manner as provided in s. 616.03, placement on file
11 in the office of the clerk of the circuit court and in the
12 office of the department, the rendering of a decree of the
13 circuit judge approving and allowing the amendment, and being
14 recorded in the clerk's office, shall be incorporated into the
15 original charter.

16 Section 18. Subsection (1) of section 616.07, Florida
17 Statutes, is amended to read:

18 616.07 Members not personally liable; property of
19 association held in trust; exempt from taxation.--

20 (1) No member, officer, director, or trustee of a fair
21 association shall be personally liable for any of the debts of
22 the association; and no money or property of a fair
23 association shall be distributed as profits or dividends among
24 its members, officers, directors, or trustees, but all money
25 and property of the association shall, except for the payment
26 of its just debts and liabilities, be and remain perpetually
27 public property, administered by the association as trustee,
28 to be used exclusively for the legitimate purpose of the
29 association, and shall be, so long as so used, exempt from all
30 forms of taxation, including special assessments.

31 Section 19. Section 616.08, Florida Statutes, is

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1 amended to read:

2 616.08 Additional powers of association.--Every fair
3 association shall have the power to hold, conduct, and operate
4 public fairs and expositions annually and for such purpose to
5 buy, lease, acquire, and occupy lands, erect buildings and
6 improvements of all kinds thereon, and develop those lands,
7 buildings, and improvements; to sell, mortgage, lease, or
8 convey any such property or any part thereof, in its
9 discretion, from time to time for the purpose of public fairs
10 or expositions; to charge and receive compensation for
11 admission to those fairs and expositions, for the sale or
12 renting of space for exhibitions, and for other privileges; to
13 conduct and hold public meetings; to supervise and conduct
14 lectures and all kinds of demonstration work in connection
15 with or for the improvement of agriculture, horticulture,
16 stockraising and poultry raising, and all kinds of farming and
17 matters connected therewith; to hold exhibits of agricultural
18 and horticultural products and livestock, chickens, and other
19 domestic animals; to give certificates or diplomas of
20 excellence; to promote the progress of the geographical area
21 it represents and serves and stimulate public interest in the
22 advantages and development of that area by providing
23 facilities for agricultural and industrial exhibitions, public
24 gatherings, cultural activities, and other functions which the
25 association determines will enhance the educational, physical,
26 economic, and cultural interests of the public; and generally
27 to do, perform, and carry out all matters, acts, and business
28 usual or proper in connection with public fairs and
29 expositions; but this enumeration of particular powers shall
30 not be in derogation of or limit any special provisions of the
31 charter of the association inserted for the regulation of its

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1 business, and the conduct of its affairs of creating,
2 defining, limiting, and regulating the powers of the
3 association or its officers or members; provided, the
4 treasurer or similar officer of the association shall be
5 required to give a good and sufficient bond with a surety
6 company duly authorized under the laws of the state, payable
7 to the association and in an amount equal to the value of the
8 total amount of money and other property in that officer's
9 possession or custody, in addition to the value of any money
10 and property of the association that may reasonably be
11 expected to come into that officer's possession or custody.

12 Section 20. Section 616.13, Florida Statutes, 1998
13 Supplement, is amended to read:

14 616.13 Restrictions on other amusement rides Licenses
15 ~~upon shows within 5 miles of fair.--A~~ Every person may not
16 engage engaged in the business of providing temporary
17 amusement rides, as defined in s. 616.242, within a 5-mile
18 radius 5 miles of and within 30 days before or during any
19 public fair or exposition being operated by a fair
20 association, when not operating in connection with that fair
21 or exposition, except with the written consent of the affected
22 fair association shall pay a license tax of \$1,000 per day.

23 Section 21. Subsections (1) and (3) of section 616.15,
24 Florida Statutes, are amended to read:

25 616.15 Permit from Department of Agriculture and
26 Consumer Services required.--

27 (1) No public fair or exposition may be conducted by a
28 fair association without a permit issued by the department.
29 The permit shall be issued in the following manner: The
30 association shall present to the department an application for
31 the permit, signed by an officer of the association, at least

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1 3 months before holding the fair or exposition; this
2 application shall be accompanied by a fee in an amount to be
3 determined by the department not to exceed \$366 or be less
4 than \$183 for processing the application and making any
5 required investigation. The fees collected under this
6 subsection shall be deposited in the General Inspection Trust
7 Fund of the State Treasury in a special account to be known as
8 the "Agricultural and Livestock Fair Account." A copy of the
9 application must be sent to each fair association located
10 within 50 miles of the site of the proposed fair or exposition
11 at the same time the application is sent to the department.

12 The department may issue the permit with the advice and
13 counsel of the Agricultural and Livestock Fair Council,
14 provided the application sets forth:

15 (a) The opening and closing dates of the proposed fair
16 or exposition.

17 (b) The name and address of the owner of the central
18 amusement attraction to operate during the fair or exposition.

19 (c) An affidavit properly executed by the president or
20 other chief executive officer of the applicant association
21 certifying the existence of a binding contract entered into by
22 the association or exposition and the owner of the central
23 amusement attraction covering the period for which the permit
24 from the department is applied. The contract or contracts
25 between the parties shall be available for inspection by duly
26 authorized agents of the department in administering this
27 chapter.

28 (d) A statement that the main purpose of the
29 association is to conduct and operate the proposed fair or
30 exposition for the benefit and development of the educational,
31 agricultural, horticultural, livestock, charitable,

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1 historical, civic, cultural, scientific, and other resources
2 of the geographical area the fair or exposition represents and
3 serves. The statement shall be in writing, shall be
4 subscribed, and shall be acknowledged by an officer of the
5 association before an officer authorized to take
6 acknowledgments.

7 (e) A premium list of the current fair or exposition
8 to be conducted or a copy of the previous year's premium list
9 showing all premiums and awards to be offered to exhibitors in
10 various departments of the fair, such as art exhibition, beef
11 cattle, county exhibits, dairy cattle, horticulture, swine,
12 women's department, 4-H Club activities, Future Farmers of
13 America activities, Future Homemakers of America activities,
14 poultry and egg exhibits, and community exhibits, the
15 foregoing being a list of the usual exhibitors of a fair and
16 not to be construed as limiting the premium list to these
17 departments. The list may be submitted separately at any time
18 not later than 60 days before the holding of the fair or
19 exposition, and the department shall issue the permit as
20 provided in this section within 10 days thereafter if the
21 applicant is properly qualified.

22 (f) Proof of liability insurance insuring the
23 association against liability for injury to persons, in an
24 amount of not less than \$300,000 per occurrence.

25 (g) A copy of the most recent review.

26 (h) A list of all current members of the board of
27 directors of the association and their home addresses.

28 (3) Notwithstanding any fair association meeting the
29 requirements set forth in subsection (1), the department may
30 order a full investigation to determine whether or not the
31 fair association meets in full the requirements of s. 616.01

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1 and accordingly may withhold a permit from, deny a permit to,
2 or withdraw a permit once issued to the association. The
3 department shall also consider whether any proposed fair or
4 exposition, as set forth in an application for a permit, will
5 compete with another public fair or exposition within 50 miles
6 of the proposed fair or exposition with respect to name, dates
7 of operation, or market. The department may deny, withhold, or
8 withdraw a permit from a fair association if the department
9 determines that such fair association will compete with
10 another association. The department shall give preference to
11 existing fair associations with established dates, locations,
12 and names.The determination by the department shall be final.

13 Section 22. Paragraph (b) of subsection (5), paragraph
14 (a) of subsection (8), and paragraph (a) of subsection (10) of
15 section 616.242, Florida Statutes, 1998 Supplement, are
16 amended, paragraph (i) is redesignated as paragraph (j), a new
17 paragraph (i) is added to subsection (11), and paragraph (e)
18 is added to subsection (17) of said section, to read:

19 616.242 Safety standards for amusement rides.--

20 (5) ANNUAL PERMIT.--

21 (b) To apply for an annual permit an owner must submit
22 to the department a written application on a form prescribed
23 by rule of the department, which must include the following:

24 1. The legal name, address, and primary place of
25 business of the owner.

26 2. A description, manufacturer's name, serial number,
27 model number and, if previously assigned, the United States
28 Amusement Identification Number of the amusement ride.

29 3. A valid certificate of insurance or bond for each
30 amusement ride.

31 4. An affidavit of compliance that the amusement ride

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1 was inspected in person by the affiant and that the amusement
2 ride is in general conformance with the requirements of this
3 section and all applicable rules adopted by the department.
4 The affidavit must be executed by a professional engineer or a
5 qualified inspector no earlier than 60 days before, but not
6 later than, the date of the filing of the application with the
7 department. The owner shall request inspection and permitting
8 of the amusement ride within 60 days of the date of filing the
9 application with the department. The department shall inspect
10 and permit the amusement ride within 60 days of the date the
11 affidavit was executed.

12 5. If required by subsection (6), an affidavit of
13 nondestructive testing dated and executed no earlier than 60
14 days prior to, but not later than, the date of the filing of
15 the application with the department. The owner shall request
16 inspection and permitting of the amusement ride within 60 days
17 of the date of filing the application with the department. The
18 department shall inspect and permit the amusement ride within
19 60 days of the date the affidavit was executed.

20 6. A request for inspection.

21 7. Upon request, the owner shall, at no cost to the
22 department, provide the department a copy of the
23 manufacturer's current recommended operating instructions in
24 the possession of the owner, the owner's operating fact sheet,
25 and any written bulletins in the possession of the owner
26 concerning the safety, operation, or maintenance of the
27 amusement ride.

28 (8) FEES.--

29 (a) The department shall by rule establish fees to
30 cover the 100 percent of all costs and expenditures associated
31 with the Bureau of Fair Rides Inspection, including all direct

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1 ~~and costs, all indirect costs, and all division, data center,~~
2 ~~and administrative overhead. If there is not sufficient~~
3 ~~general revenue appropriated by the Legislature, the industry~~
4 ~~shall pay for the remaining cost of the program.~~The fees must
5 be deposited in the General Inspection Trust Fund.

6 (10) EXEMPTIONS.--

7 (a) This section does not apply to:

8 1. Permanent facilities that employ at least 1,000
9 full-time employees and that maintain full-time, in-house
10 safety inspectors. Furthermore, the permanent facilities must
11 file an affidavit of the annual inspection with the
12 department, on a form prescribed by rule of the department
13 ~~required by paragraph (5)(b).~~ Additionally, the Department of
14 Agriculture and Consumer Services may consult annually with
15 the permanent facilities regarding industry safety programs.

16 2. Any playground operated by a school, local
17 government, or business licensed under chapter 509, if the
18 playground is an incidental amenity and the operating entity
19 is not primarily engaged in providing amusement, pleasure,
20 thrills, or excitement.

21 3. Museums or other institutions principally devoted
22 to the exhibition of products of agriculture, industry,
23 education, science, religion, or the arts.

24 4. Conventions or trade shows for the sale or exhibit
25 of amusement rides if there are a minimum of 15 amusement
26 rides on display or exhibition, and if any operation of such
27 amusement rides is limited to the registered attendees of the
28 convention or trade show.

29 5. Skating rinks, arcades, lazer or paint ball war
30 games, bowling alleys, miniature golf courses, mechanical
31 bulls, inflatable rides, trampolines, ball crawls, exercise

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1 equipment, jet skis, paddle boats, air boats, helicopters,
 2 airplanes, parasails, hot air or helium balloons whether
 3 tethered or untethered, theatres, batting cages, stationary
 4 spring-mounted fixtures, rider-propelled merry-go-rounds,
 5 games, side shows, live animal rides, or live animal shows.

6 6. Go-karts operated in competitive sporting events if
 7 participation is not open to the public.

8 7. Nonmotorized playground equipment that is not
 9 required to have a manager.

10 8. Coin-actuated amusement rides designed to be
 11 operated by depositing coins, tokens, credit cards, debit
 12 cards, bills, or other cash money and which are not required
 13 to have a manager, and which have a capacity of six persons or
 14 less.

15 9. Facilities described in s. 549.09(1)(a) when such
 16 facilities are operating cars, trucks, or motorcycles only.

17 (11) INSPECTION STANDARDS.--An amusement ride must
 18 conform to and must be inspected by the department in
 19 accordance with the following standards:

20 (i) Signs that advise or warn patrons of age
 21 restrictions, size restrictions, health restrictions, weight
 22 limitations, or any other special consideration or use
 23 restrictions required or recommended for the amusement ride by
 24 the manufacturer shall be prominently displayed at the patron
 25 entrance of each amusement ride.

26 (17) PROHIBITIONS RELATED TO BUNGY OPERATIONS.--The
 27 following bungee operations are prohibited:

28 (e) The practice of bungee catapulting or reverse bungee
 29 jumping.

30 Section 23. Section 616.260, Florida Statutes, is
 31 amended to read:

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1 616.260 Tax exemption of authority.--It is hereby
2 found and determined that all of the projects authorized by
3 this part constitute essential governmental purposes, and all
4 of the properties, revenues, moneys, and other assets owned
5 and used in the operation of those projects shall be exempt
6 from all taxation, including special assessments,by the state
7 or by any county, municipality, political subdivision, agency,
8 or instrumentality thereof. However, nothing in this section
9 shall grant any person other than the authority an exemption
10 from the tax imposed in chapter 220, and if property of the
11 authority is leased, the property shall be exempt from ad
12 valorem taxation only if the use by the lessee qualifies the
13 property for exemption under s. 196.199. The exemption
14 granted by this section shall not be applicable to any tax
15 imposed by chapter 220 on interest, income, or profits on debt
16 obligations owned by corporations. The property of the
17 authority shall be subject to the provisions of s. 196.199.

18 Section 24. Any special assessment imposed upon a fair
19 association or state fair by the state, or any county,
20 municipality, political subdivision, agency, or
21 instrumentality thereof, which has not been paid as of the
22 effective date of this act is not due from the fair
23 association or state fair.

24 Section 25. Paragraph (c) of subsection (3) of section
25 823.14, Florida Statutes, is amended to read:

26 823.14 Florida Right to Farm Act.--

27 (3) DEFINITIONS.--As used in this section:

28 (c) "Farm product" means any plant, as defined in s.
29 581.011, or animal useful to humans and includes, but is not
30 limited to, any product derived therefrom.

31 Section 26. Subsection (4) is added to section 828.12,

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1 Florida Statutes, to read:

2 828.12 Cruelty to animals.--

3 (4) A person who intentionally trips, fells, ropes, or
4 lassoes the legs of a horse by any means for the purpose of
5 wagering for entertainment or sport purposes shall be guilty
6 of a third degree felony, punishable as provided in s.
7 775.082, s. 775.083, or s. 775.084. As used in this
8 subsection, "trip" means any act that consists of the use of
9 any wire, pole, stick, rope or other apparatus to cause a
10 horse to fall or lose its balance, and "horse" means any
11 animal of any registered breed of the genus equus, or any
12 recognized hybrid thereof. The provisions of this subsection
13 shall not apply when tripping is used:

14 (a) To control a horse that is posing an immediate
15 threat to other livestock or human beings;

16 (b) For the purpose of identifying ownership of the
17 horse when its ownership is unknown; or

18 (c) For the purpose of administering veterinary care
19 to the horse.

20 Section 27. Section 570.235, Florida Statutes, is
21 created to read:

22 570.235 Pest Exclusion Advisory Committee.--

23 (1) There is created within the department a Pest
24 Exclusion Advisory Committee. The advisory committee shall be
25 composed of 24 members.

26 (a) The Commissioner of Agriculture shall appoint 17
27 members representing the following:

28 1. Two members from the Florida Department of
29 Agriculture and Consumer Services.

30 2. Two citizens at large.

31 3. One member from each of the following agricultural

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- 1 production groups:
- 2 a. Row crops.
- 3 b. Citrus.
- 4 c. Horticulture.
- 5 d. Forestry.
- 6 e. Cattle.
- 7 f. Dairy.
- 8 g. Pork.
- 9 h. Poultry.
- 10 i. Horses.
- 11 j. Aquaculture.
- 12 k. Apiary.
- 13 4. One member representing research programs in the
- 14 state's land grant institutions.
- 15 5. One member representing extension programs in the
- 16 state's land grant institutions.
- 17 (b) In addition, the committee shall be composed of
- 18 the following 7 members:
- 19 1. Two members representing and appointed by the
- 20 Animal and Plant Health Inspection Service, United States
- 21 Department of Agriculture.
- 22 2. One member representing and appointed by the
- 23 Florida Department of Health.
- 24 3. One member representing and appointed by the
- 25 Florida Department of Environmental Protection.
- 26 4. One member representing and appointed by the
- 27 Florida Game and Fresh Water Fish Commission.
- 28 5. One member appointed by the Speaker of the House of
- 29 Representatives.
- 30 6. One member appointed by the President of the
- 31 Senate.

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1 (2) The advisory committee shall be governed by the
2 provisions of s. 570.0705 and shall have the responsibility of
3 reviewing and evaluating the state's existing and future
4 exclusion, detection, and eradication programs. The
5 Commissioner of Agriculture shall appoint the chair of the
6 committee. In evaluating the programs, the advisory committee
7 shall:

8 (a) Require the scientific community to provide
9 necessary scientific background on Florida's programs. Using
10 such information, the committee shall evaluate the scientific
11 basis for the programs.

12 (b) Review current Florida laws and regulations and
13 recommend changes.

14 (c) Identify exotic plants and pests in foreign
15 countries that pose a significant threat to consumer safety
16 and have a high likelihood of being introduced into the state.

17 (d) Identify high-risk areas for pest introduction and
18 offer recommendations for specific programmatic activities to
19 address such risk.

20 (e) Study the possibility of partnerships with other
21 public and private entities to develop programs, projects, and
22 activities which may be cost effective and which may assist in
23 implementing a pest exclusion program.

24 (f) Address any area of concern that is raised
25 regarding the state's pest exclusion, detection, and
26 eradication program.

27 (g) Make recommendations to the Commissioner of
28 Agriculture, the Governor, the Speaker of the House of
29 Representatives, and the President of the Senate for needs and
30 changes in these programs, including funding requirements and
31 needs.

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1 (3) The committee shall issue a report of its findings
 2 to the Commissioner of Agriculture, the Governor, the Speaker
 3 of the House of Representatives, and the President of the
 4 Senate by January 1, 2001.

5 Section 28. Subsection (5) of section 828.125, Florida
 6 Statutes, is amended to read:

7 828.125 Killing or aggravated abuse of registered
 8 breed horses or cattle; offenses; penalties.--Any other
 9 provisions of this chapter to the contrary notwithstanding:

10 (5) This section shall not be construed to abridge,
 11 impede, prohibit, or otherwise interfere in any way with the
 12 application, implementation, or conduct of recognized
 13 livestock husbandry practices or techniques by or at the
 14 direction of the owner of the livestock so husbanded; nor
 15 shall any person be held culpable for any act prohibited by
 16 this chapter which results from weather conditions or other
 17 acts of God, providing that the person is in compliance with
 18 recognized livestock husbandry practices.

19 Section 29. Paragraph (d) of subsection (7) of section
 20 212.08, Florida Statutes, 1998 Supplement, is amended to read:

21 212.08 Sales, rental, use, consumption, distribution,
 22 and storage tax; specified exemptions.--The sale at retail,
 23 the rental, the use, the consumption, the distribution, and
 24 the storage to be used or consumed in this state of the
 25 following are hereby specifically exempt from the tax imposed
 26 by this chapter.

27 (7) MISCELLANEOUS EXEMPTIONS.--

28 (d) Feeds.--Feeds for poultry, ostriches, and
 29 livestock, including racehorses, racing greyhounds, and dairy
 30 cows, are exempt.

31 Section 30. Section 581.184, Florida Statutes, is

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1 amended to read:

2 581.184 Promulgation of rules; citrus canker
3 eradication; voluntary destruction agreements; buffer zone.--

4 (1) In addition to the powers and duties set forth
5 under this chapter the department is directed to adopt rules
6 specifying facts and circumstances that, if present, would
7 require the destruction of plants for purposes of eradicating,
8 controlling, or preventing the dissemination of citrus canker
9 disease in the state. In addition, the department is directed
10 to adopt rules regarding the conditions under which citrus
11 plants can be grown, moved, and planted in this state as may
12 be necessary for the eradication, control, or prevention of
13 the dissemination of citrus canker. Such rules shall be in
14 effect for any period during which, in the judgment of the
15 Commissioner of Agriculture, there is the threat of the spread
16 of citrus canker disease in the state. Such rules may provide
17 for the conduct of any activity regulated by such rules
18 subject to an agreement by persons wishing to engage in such
19 activity to voluntarily destroy, at their own expense, citrus
20 plants declared by the department to be imminently dangerous
21 by reason of being infected or infested with citrus canker or
22 exposed to infection and likely to communicate same. The
23 terms of such agreement may also require the destruction of
24 healthy plants under specified conditions. Any such
25 destruction shall be done after reasonable notice in a manner
26 pursuant to and under conditions set forth in the agreement.
27 Such agreements may include releases and waivers of liability
28 and may require the agreement of other persons.

29 (2) The department, pursuant to s. 581.031(15) and
30 (17), may create a citrus canker host-free buffer area,
31 delineated by department rule, to retard the spread of citrus

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1 canker from known infected areas. In addition, the department
2 shall develop a compensation plan for the trees removed from
3 the buffer area. Compensation for the trees removed from the
4 buffer area is subject to annual legislative appropriation.

5 Section 31. Section 588.12, Florida Statutes, is
6 amended to read:

7 588.12 Livestock at large; legislative
8 findings.--There is hereby found and declared a necessity for
9 a statewide livestock law embracing all lands ~~public roads~~ of
10 the state and necessity that its application be uniform
11 throughout the state, except as hereinafter provided.

12 Section 32. Subsection (3) of section 588.13, Florida
13 Statutes, is amended to read:

14 588.13 Definitions.--In construing ss. 588.12-588.25
15 the following words, phrases, or terms shall be held to mean:

16 (3) Livestock "running at large" or "straying" shall
17 mean any livestock found or being on any public land, or land
18 belonging to a person other than the owner of the livestock,
19 without the landowner's permission, and posing a threat to
20 public safety ~~public road of this state and either apparently~~
21 ~~a neglected animal or not under manual control of a person.~~

22 Section 33. Section 588.14, Florida Statutes, is
23 repealed.

24 Section 34. Section 588.16, Florida Statutes, is
25 amended to read:

26 588.16 Authority to impound livestock running at large
27 or strays.--It shall be the duty of the sheriff or her or his
28 deputies or designees, or any other law enforcement officer of
29 the county, the county animal control center, or state highway
30 patrol officers, where livestock is found to be running at
31 large or straying, to take up, confine, hold, and impound any

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1 such livestock, to be disposed of as hereinafter provided.

2 Section 35. Subsection (1) of section 588.17, Florida
3 Statutes, is amended to read:

4 588.17 Disposition of impounded livestock.--

5 (1) Upon the impounding of any livestock by the
6 sheriff or his or her deputies or designees, or any other law
7 enforcement officers of the county, the county animal control
8 center, or state highway patrol officers, the sheriff shall
9 forthwith serve written notice upon the owner, advising such
10 owner of the location or place where the livestock is being
11 held and impounded, of the amount due by reason of such
12 impounding, and that unless such livestock be redeemed within
13 3 days from date thereof that the same shall be offered for
14 sale.

15 Section 36. Section 588.18, Florida Statutes, is
16 amended to read:

17 588.18 Livestock at large; fees.--The fees allowed for
18 impounding, serving notice, care and feeding, advertising, and
19 disposing of impounded animals shall be determined by the
20 sheriff of each county. Damages done by the sheriff, sheriff's
21 designees, or any other law enforcement officer in pursuit, or
22 in the capture, handling, or care of the livestock are the
23 sole responsibility of the sheriff or other law enforcement
24 agency.~~as follows:~~

25 ~~(1) For impounding each animal, the sum of \$20 and~~
26 ~~mileage incurred, at the rate of 20 cents per mile.~~

27 ~~(2) For serving any notice and making return thereon,~~
28 ~~the sum of \$10 and mileage incurred, at the rate of 20 cents~~
29 ~~per mile.~~

30 ~~(3) For feed and care of impounded animals, the sum of~~
31 ~~\$5 per day per animal.~~

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1 ~~(4) For advertising or posting notices of sale of~~
2 ~~impounded animals, the same as provided by law for advertising~~
3 ~~property for sale under process.~~

4 ~~(5) For sale or other dispositions of impounded~~
5 ~~animals, the sum of \$5.~~

6 ~~(6) For report of sale of impounded animals, the sum~~
7 ~~of \$2.50.~~

8 Section 37. Section 588.19, Florida Statutes, is
9 amended to read:

10 588.19 Failure to secure purchaser or insufficient
11 funds to defray certain costs.--If there be no bidder for such
12 livestock at the sale aforesaid, and the sheriff has been
13 unable to locate the owner through the notice procedures
14 described in this chapter, the sheriff shall sell the
15 livestock at the nearest livestock auction yard. The proceeds
16 from the sale shall be used to reimburse the expenses incurred
17 in capturing, maintaining and selling the livestock, and in
18 attempting to locate the owner. Any money remaining after all
19 expenses are paid shall be given to the owner of the
20 livestock, if known.~~the sheriff shall either offer the~~
21 ~~livestock for adoption or kill, or cause to be killed, the~~
22 ~~same and shall dispose of the carcass thereof; if there be any~~
23 ~~money received by him or her on account of the said disposal,~~
24 ~~the same shall be disbursed in the manner hereinafter~~
25 ~~provided; and, if there be no ready sale for said carcass,In~~
26 the alternative, the sheriff may shall forthwith deliver the
27 carcass to a public institution of the county, state, or
28 municipality within said county or to any private charitable
29 institution, in the order herein set forth, according to their
30 needs.

31 Section 38. Section 501.025, Florida Statutes, is

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1 amended to read:

2 501.025 Home solicitation sale; buyer's right to
3 cancel.--In addition to any other right to revoke an offer,
4 the buyer has the right to cancel a home solicitation sale
5 until midnight of the third business day after the day on
6 which the buyer signs an agreement or offer to purchase.
7 Cancellation is evidenced by the buyer giving written notice
8 of cancellation in person, by telegram, or by mail to the
9 seller at the address stated in the agreement or offer to
10 purchase. The written notice of cancellation given by mail
11 shall be effective upon postmarking. The notice of
12 cancellation need not take a particular form and is sufficient
13 if it indicates by any form of written expression the
14 intention of the buyer not to be bound by the home
15 solicitation sale. Notice of a buyer's right to cancel must
16 appear on every note or other evidence of indebtedness given
17 pursuant to any home solicitation sale. For the purposes of
18 this section, unless a mortgage also creates the buyer's
19 promise to pay the secured debt, it is not an evidence of
20 indebtedness.

21 Section 39. Paragraph (a) of subsection (4) of section
22 253.7825, Florida Statutes, is amended to read:

23 253.7825 Recreational uses.--

24 (4)(a) A horse park-agricultural center may be
25 constructed by or on behalf of the Florida Department of
26 Agriculture and Consumer Services on not more than 500 ~~250~~
27 acres of former canal lands ~~which meet the criteria for~~
28 ~~surplus lands and which lie outside the greenways boundary.~~

29 Section 40. This act shall take effect July 1, 1999.

30

31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause,

4

5 and insert:

6

 A bill to be entitled

7

 An act relating to the Department of

8

 Agriculture and Consumer Services; amending s.

9

 501.913, F.S., relating to the registration of

10

 brands of antifreeze distributed in the state;

11

 providing that the registrant assumes

12

 responsibility for the product's quality;

13

 amending s. 501.916, F.S.; revising

14

 requirements for labeling antifreeze; amending

15

 s. 501.919, F.S.; providing for notice to be

16

 given to the violator of ss. 501.91-501.923,

17

 F.S.; amending s. 501.922, F.S.; authorizing

18

 the department to impose additional penalties;

19

 repealing s. 531.54, F.S., relating to salaries

20

 and expenses of enforcing ch. 531, F.S., the

21

 Weights and Measures Act of 1971; amending s.

22

 570.191, F.S., relating to the Agricultural

23

 Emergency Eradication Trust Fund; providing for

24

 funds to be used for other agricultural

25

 interests; repealing s. 570.46(5), F.S.,

26

 relating to duties of the Division of Standards

27

 with respect to verifying certain testing

28

 samples; amending s. 570.48, F.S.; authorizing

29

 the Division of Fruit and Vegetables to certify

30

 and supervise certain inspectors; repealing s.

31

 570.952(5), F.S., relating to the Florida

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1 Agriculture Center and Horse Park Authority;
2 amending s. 571.24, F.S., relating to the
3 Florida Agricultural Promotional Campaign;
4 providing for measures to ensure only Florida
5 agricultural products are marketed under logos
6 of the promotional campaign; amending s.
7 571.27, F.S., relating to rules for entering
8 into contracts for services directly related to
9 the Florida Agricultural Promotional Campaign;
10 authorizing the department to determine by rule
11 the logos to be depicted for use in advertising
12 agricultural products marketed under the
13 promotional campaign; amending s. 571.29, F.S.,
14 relating to the Florida Agricultural
15 Promotional Campaign; relating to unlawful acts
16 pertaining to the promotional campaign;
17 creating s. 571.30, F.S.; providing for
18 injunction remedies to the department for
19 violations of provisions of the Florida
20 Agricultural Promotional Campaign; amending s.
21 588.011, F.S.; revising legal fence
22 requirements; amending s. 589.081, F.S.;
23 revising requirements for payments to counties
24 within the Withlacoochee State Forest and
25 Goethe State Forest by the Division of
26 Forestry; amending s. 593.1141, F.S.;
27 conforming a reference to the Farm Service
28 Agency for purposes of certain agreements of
29 the department; amending s. 616.05, F.S.;
30 providing requirements for fair associations in
31 publishing proposed amendments to a charter;

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1 amending s. 616.07, F.S.; providing that
2 property held in trust by a fair association is
3 exempt from special assessments; amending s.
4 616.08, F.S.; clarifying provisions authorizing
5 a fair association to sell, mortgage, or lease
6 property; amending s. 616.13, F.S.; revising
7 certain restrictions on temporary amusement
8 rides with respect to location of operation;
9 deleting a license tax imposed on such rides;
10 amending s. 616.15, F.S.; providing additional
11 requirements for obtaining a permit to conduct
12 a public fair or exposition; requiring that the
13 department give preference to established fair
14 associations in issuing permits; amending s.
15 616.242, F.S., relating to safety standards for
16 amusement rides; revising requirements for the
17 application for a permit to operate a ride;
18 revising requirements for the department in
19 setting permit fees; requiring that certain
20 notices be posted at entrances to amusement
21 rides; prohibiting bungy catapulting or reverse
22 bungy jumping; amending s. 616.260, F.S.;
23 providing that the Florida State Fair Authority
24 is exempt from special assessments; providing
25 that certain special assessments are not due
26 from a fair association or state fair; amending
27 s. 823.14, F.S.; clarifying the definition of
28 the term "farm product" for purposes of the
29 Florida Right to Farm Act; amending s. 828.12,
30 F.S.; revising provisions relating to cruelty
31 to animals; creating the Pest Exclusion

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1 Advisory Committee within the department;
2 providing for membership; providing for
3 governance of the committee; requiring that the
4 committee conduct certain evaluations and
5 studies; requiring a report to the Governor,
6 the Legislature, and the Commissioner of
7 Agriculture; amending s. 828.125, F.S.;
8 revising provisions relating to the killing or
9 aggravated abuse of registered breed horses or
10 cattle; amending s. 212.08, F.S.; providing a
11 sales tax exemption for racing greyhound feed;
12 amending s. 581.184, F.S.; establishing a
13 citrus canker-free buffer zone; amending s.
14 588.12, F.S.; revising legislative findings of
15 livestock at large; revising definitions;
16 repealing s. 588.14, F.S.; relating to duty of
17 owners; amending s. 588.16, F.S.; amending
18 authority to impound livestock running at
19 large; amending s. 588.17, F.S.; revising
20 disposition of impounded livestock; amending s.
21 588.18, F.S.; revising fees for livestock at
22 large; amending s. 588.19, F.S.; revising
23 procedures for defraying costs incurred in
24 impoundment; amending s. 501.025, F.S.;
25 clarifying provisions relating to home
26 solicitation sale and buyer's right to cancel;
27 amending s. 253.7825, F.S.; providing acreage
28 requirements for a horse park-agricultural
29 center; providing an effective date.

30
31